

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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IN RE MERCK & CO., INC.  
SECURITIES, DERIVATIVE & “ERISA”  
LITIGATION

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**MDL No. 1658 (SRC)**

**Civil Action No. 05-1151 (SRC)**  
**Civil Action No. 05-2367 (SRC)**

THIS DOCUMENT RELATES TO: THE  
CONSOLIDATED SECURITIES ACTION

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**ORDER**

**CHESLER, District Judge**

This matter having come before the Court on the motion filed by Lead Plaintiffs for leave to file a Sixth Amended Class Action Complaint (“Sixth Amended Complaint”)<sup>1</sup>; and Defendants Merck & Co., Inc. and Alise Reicin having opposed the motion; and the Court having considered the papers filed by the parties; and the Court having proceeded to rule on the motion based on the papers and without oral argument, pursuant to Federal Rule of Civil Procedure 78; and for the reasons expressed in the Opinion filed herewith; and for good cause shown,

**IT IS** on this 29<sup>th</sup> day of May, 2013,

**ORDERED** that Lead Plaintiffs’ motion for leave to file a Sixth Amended Class Action Complaint be and hereby is **GRANTED IN PART and DENIED IN PART**; and it is further

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<sup>1</sup> **Error! Main Document Only.** In Civil Action No. 05-1151, the motion is docketed at entry 402. In Civil Action No. 05-2367, the motion is docketed at entry 489.

**ORDERED** that Lead Plaintiffs may file a Sixth Amended Complaint which adds allegations concerning the “4% Statement” as described in the accompanying Opinion; and it is further

**ORDERED** that insofar as the motion seeks leave to file a Sixth Amended Complaint which expands the Exchange Act claims based on allegations concerning the November 1, 2004 Wall Street Journal article, it is denied; and it is further

**ORDERED** that the Sixth Amended Complaint shall conform to all prior rulings in this case and shall not reassert allegations previously dismissed as inactionable.

s/Stanley R. Chesler  
STANLEY R. CHESLER  
United States District Judge